

October 15, 2018

A REGULAR MEETING of the Akron Village Board was held on this date at 7:38 p.m.  
Present: Mayor Carl E. Patterson; Trustees E. Peter Forrestel, Brian T. Perry and Darrin L. Folger; Attorney Andrew Borden, Treasurer Tammy Kelley, Clerk Jayne DeTine, Chief of Police Richard Lauricella and Public Works Manager Jon Cummings.

The Mayor led us in the pledge to the flag.

RESOLUTION duly moved by Forrestel and seconded by Folger that the Minutes of the Regular Meeting of October 1, 2018 be and hereby are approved by the Village Board.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION, duly moved by Folger seconded by Perry that the audit of the bills is approved, and the Treasurer authorized to pay same in accordance with the following abstract of audit vouchers:

General Fund	\$	43,675.84
Electric Fund	\$	67,191.31
Water Fund	\$	13,905.39
Sewer Fund	\$	9,793.45
Capital Sewer	\$	500.00
Capital Water	\$	6,093.23

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Perry and seconded by Forrestel that the following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

Kenneth Pagels	8 Buffalo Street	Concrete Steps	\$50.00
Gregory Jelson	6525 Hake Road	Shed	\$120.00
Eric Lukowski	78 Bloomingdale Ave	Fire Repair	\$340.00
Robert Massaro	5 Madison Ave	Front Stoop	\$50.00
Robert Wagner	37 Marshall Ave	Sewer Repair	\$100.00

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Perry and seconded by Folger that the following Application for a Dumpster Permit be and hereby is approved in accordance with the application filed and payment of permit fee:

Estate of Doug Scarborough	25 Marshall Ave	30 day	\$50.00
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ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Folger and seconded by Forrestel that the following Application for a Plumbers License for the year 2018 be and hereby is approved in accordance with the application filed and payment of the annual license fee of \$75.00:

Dennis Greene	Lancaster, NY	New	\$75.00
ADOPTED			
	CARL E. PATTERSON	- AYE	
	E. PETER FORRESTEL	- AYE	
	BRIAN T. PERRY	- AYE	
	DARRIN L. FOLGER	- AYE	

RESOLUTION duly moved by Forrestel and seconded by Folger that the following Peddlers Permit be and hereby is approved with the applications and approval of the Code Enforcement Officer:

Red Osier Restaurant	Stafford, NY	1 Year	\$100.00
ADOPTED			
	CARL E. PATTERSON	- AYE	
	E. PETER FORRESTEL	- AYE	
	BRIAN T. PERRY	- AYE	
	DARRIN L. FOLGER	- AYE	

PUBLIC HEARING – none

APPEARANCE – none

PUBLIC COMMENT – Jim and Kathy Campbell from 82 John Street came before the Board to ask for a variance to keep the hedge/bushes that surround their property on the Hoag Avenue side to maintain privacy for their side yard. The Campbell’s received a violation notice siting the hedge/bushes encroach the sidewalk by at least a foot. If they trim their hedge/bushes back to become compliant with the sidewalk regulations their hedge/bushes would lose all the leaves needed to keep their privacy. They stated they are good neighbors and trim their hedge/bushes at least 2-3 times a year and maintain the rest of their yard in a similar fashion. The Board agreed that the Campbell’s home and landscape are well maintained and that the hedge/bushes have been there a long time. The Board explained the procedure to apply for a variance.

Leah from 80 John Street also came before the Board to ask for more time to comply with the violation notice she received about her hedge/bushes, which are also encroaching the sidewalk. The Board agreed to evaluate her progress at the next Village Board meeting scheduled November 5, 2018.

PROJECT REPORTS –

CDBG Year 2017/2018 Project – Public Works Manager Jon Cummings stated that they are working on the services along Cedar Street and when completed will finish the sidewalks. Trustee Forrestel mentioned that the concrete work looks great. He also talked with the crew and have located a couple spots where a tree can be replanted.

Route 93 Mechanic Street Bridge State Project – waiting on cost reimbursement.

Village Hall ADA Front Entrance Project – Clerk asked for three resolutions: First one is to declare SEQR lead agent as the Village of Akron; second one is to Declare a Negative Declaration and to authorize the Mayor to sign as unlisted action and no environmental impact; third one is to authorize the Village to get a BAN for \$100,000.00 to cover the Village portion of the CDBG Front Entrance project.

RESOLUTION duly moved by Forrestel and seconded by Folger to declare the SEQR Lead Agent as the Village of Akron for the CDBG Village Front Entrance ADA Project be and hereby is approved.

ADOPTED		
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Folger and seconded by Perry to declare a Negative Declaration and authorize the Mayor to sign as an unlisted action with no environmental impact for the CDBG Village Front Entrance ADA Project be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION DULY MOVED BY FORRESTEL AND SECONDED BY FOLGER AUTHORIZING CONSTRUCTION AND REFURBISHMENT OF THE VILLAGE HALL ENTRANCEWAY (ADA ENTRANCE IMPROVEMENT PROJECT) AT AN ESTIMATED COST OF \$100,000 AND THE ISSUANCE OF \$100,000 OF SERIAL BONDS.

WHEREAS, pursuant to proceedings hereto had and taken the Village Board of the Village of Akron, Erie County, New York, has determined it to be in the public interest to refurbish and reconstruct the entrance to the Village of Akron Hall and make it compliant with the American with Disabilities Act, and

WHEREAS, it is now desired to authorize the construction of all necessary items in connection with said ADA ENTRANCE IMPROVEMENT PROJECT and authorizing the issuance of \$100,000.00 serial bonds and to provide for the financing thereof in accordance with the aforesaid order;

NOW, THEREFORE, BE IT

RESOLVED, by the Village Board of the Village of Akron, Erie County, New York, as follows:

Section 1. The construction and refurbishment of the Village Hall in order to make it compliant with the American with Disabilities Act at an estimated cost of \$100,000.00, and authorizing the issuance of \$100,000.00 serial bonds, in and for the Village of Akron, Erie County, New York, as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$100,000.00 and the plan for the financing thereof is \$100,000.00 by the issuance of the serial bonds of said Village hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Village Board.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 25 years, pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Clerk-Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said, Clerk-Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Akron, Erie County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. All the taxable real property in said Village shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suite or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are not authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in the Akron Bugle, the official newspaper, together with a notice of the Village Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

#### MONTHLY REPORTS –

##### Departments –

TREASURER – reported: attended the Finance Committee meeting and submitted all reports. Reminded the Board that a meeting with Bill Freitag is scheduled for November 28 & 29, 2018 in the Village Board room to review work orders. Treasurer Kelley requested a resolution to approve the September 2018 budget transfers.

RESOLUTION duly moved by Perry and seconded by Forrestel to approve the following September 2018 budget transfers:

##### General Fund:

A1990.0400	to	A9040.0800	\$835.00
Contingency Fund		Worker's Compensation	

##### Sewer Fund:

G1990.0400	to	G9040.0800	\$54.47
Contingency Fund		Worker's Compensation	

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

CLERK – submitted report for the month of September 2018; submitted summary of training session attended at NYCOM Fall School as well as the summary of training sessions attended by Deputy Clerk Treasurer Sarah Kyre.

##### Elected Officials –

#### TRUSTEES – COORDINATORS

Trustee Perry – reported: He is working on getting a meeting together with Charles Sickler, Director of Engineering for Erie County, Village Public Works Manager Jon Cummings, Trustee Forrestel and possibly Legislator Ed Rath to re-evaluate where we are with the County regarding East Avenue. One possible date for that meeting is October 26, 2018. According to Legislator Rath there may be Federal money available for infrastructure of the water and sewer lines. Mayor Patterson suggested bringing up the speed limit on Hake Road during that meeting.

Trustee Middaugh – reported: excused

Mayor Patterson – reported: He wanted to publicly thank Douglas Whelan, former Zoning Board of Appeals member who recently resigned after 21 years of service due to moving from the Village; He also requested an Executive Session regarding Personnel; Congratulated Village Attorney, Andrew Borden, on the arrival of his baby girl Abigail Ruth; Thanked the Finance Committee, Treasurer Tammy Kelley, Trustee Forrestel and Trustee Perry on the good work over the last several months; also asked the Board to review the Part-time Police Policy from Chief Lauricella.

Trustee Forrestel – reported: Discussion held during Work Session regarding signage on right of way property within the Village as well as on Village owned property; Village Attorney will report on the meeting with UB; Along with Public Works Manager Jon Cummings, proceeding with ideas for greenery planning for Cedar Street Waterline project.

Trustee Folger – reported: emailed Christine Abrams regarding the Indigenous Day Celebration to make sure she had all she needed from the Village besides the use of Russell Park.

### OLD BUSINESS

Clinton Street/Eckerson Avenue Village Land – along with Trustee Forrestel, will be meeting with the UB Professor and students to get an update on their designs on October 18, 2018 at Hayes Hall on the UB South Campus. Both Village Planning and Zoning Boards were invited. More to follow

Public Works Facility at 43 East Avenue – same as above.

Cable Contract – nothing

Corrective Action Plan – quarterly review completed this evening 2018. The next quarterly review will be at the end of December 2018.

Sewer RBC Replacement – discussion held during the earlier work session. The Board agreed that Lee Shuknecht and Sons, Inc. should come back and take a look at the RBC again.

State Street Bridge – result of awards for the BRIDGENY will be announced late summer/early fall.

Joint Comprehensive Master Plan– need to create a Joint Committee to make sure the Plan is sustained and implemented and will put on the agenda for the future Joint meeting between the Town and Village Boards. Mayor Patterson would also like to have a Village Comprehensive Committee.

CDBG – after discussion during the earlier work session, the Village Board decided to rescind the first two Resolutions made on October 1, 2018 due to the abundant amount of work and projects the Village has currently and scheduled for the year 2019 - 2020. The Board would like to approve the Rural Transit Van Service as the No. 1 project for the 2019-2020 CDBG Program.

RESOLUTION duly moved by Forrestel and seconded by Folger to rescind the No. 1 Project for the CDBG Program of the Skyline Waterline loop and the No. 2 Project for the CDBG Program of the Buell Street sidewalk approved on October 1, 2018 and to rename the No. 1 Project for the CDBG Project as the Rural Transit Van Service be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

### NEW BUSINESS

RESOLUTION duly moved by Folger and seconded by Forrestel to allow Treasurer Tammy Kelley to attend the New York Government Finance Officers' Association Western Holiday Seminar on December 6, 2018 in Rochester, NY at a cost of \$55.00 be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Forrestel and seconded by Perry to approve the Official Trick-or-Treating hours in the Village of Akron Wednesday October 31, 2018 from 6:00 pm –

8:00 pm with the Amherst Control Center/Akron Fire Company sounding the fire siren to start and end Trick-or-Treating activities be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

CORRESPONDENCE –

Letter from United States Senator Charles Schumer regarding farm to school grant opportunities.

Letter from Erie County Executive Mark Poloncarz regarding the new “Fair Housing in Erie County” law signed in early 2018.

Letter from the Town of Newstead regarding fire contract with the Village.

Assessor’s Report as of October 5, 2018.

Letter from Andrea Bauer regarding property on Mill Street.

PUBLIC COMMENT – None

RESOLUTION duly moved by Perry and seconded by Folger to go into an executive session regarding personnel matters at 8:12 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

RESOLUTION duly moved by Forrestel and seconded by Folger to come out of the executive session regarding personnel matters at 9:25 pm be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

Chief Lauricella presented the Board with a revised policy for part-time Police Officers and asked for the Board’s approval. Chief Lauricella will include this policy with the Police Policy and Procedures Manual

RESOLUTION duly moved by Forrestel and seconded by Folger to approve the revised policy for part-time Police Officers and to have it inserted into the Police Policy and Procedures Manual be and hereby is approved.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	BRIAN T. PERRY	- AYE
	DARRIN L. FOLGER	- AYE

On motion of Perry and seconded by Folger at 9:27 p.m. this meeting was ADJOURNED

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MAYOR

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CLERK